

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**UNITED STATES OF AMERICA ,**

**Plaintiff,**

**vs.**

**JOHN DUNCAN,**

**Defendant.**

**Case No.: 1:02-CR-100**

**Judge Walter Herbert Rice**

**DEFENDANT'S MOTION FOR  
CHANGE OF PLEA HEARING**

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Comes now the defendant, Mr. John Duncan, by and through counsel, and hereby moves the Court for a hearing in which Mr. Duncan will withdraw his former plea of not guilty to the two violations of supervised release and enter a plea of guilty. This request is made pursuant to Criminal Rule 11 and U.S.S.G. § 7B1.

As the Court may recall, Mr. Duncan is charged with violating supervised release in that he is accused of committing a new criminal offense and unsuccessfully completing halfway house detention. With respect to the new criminal offenses charged in Warren County, Ohio, Mr. Duncan intends on pleading guilty to one count of forgery, a fifth degree felony, and the remaining two misdemeanor charges will be dismissed. Mr. Duncan anticipates he will be given a sentence of 12 months incarceration with credit for time served. That case is scheduled to return to State court on June 5, 2008.

Mr. Duncan moves the Court to have the supervised release violation resolved prior to the State court sentencing, and he requests this matter be placed on the Court's docket as quickly as possible. Mr. Duncan intends on continuing his State court case until the federal supervised release violation case is resolved.

Mr. Duncan also requests to present mitigating evidence as to the unsuccessful completion of halfway house detention.

WHEREFORE, Mr. Duncan respectfully requests this Motion to be granted such that a change of plea and sentence hearing is set before the Court as soon as possible. Attached is an Order granting this Motion.

Respectfully submitted,

s/ Kevin J. Spiering

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#### **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was filed electronically with the Clerk of the U.S. District Court. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the court system.

s/ Kevin J. Spiering

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